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FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in
central governments (top executive functions) and
law enforcement agencies

COMPLIANCE REPORT

BELGIUM



Adopted by GRECO
at its 89th plenary meeting (Strasbourg, 29 November – 3 December 2021)



Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

I. INTRODUCTION

1. The fifth GRECO evaluation round concerns “Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies”.
2. This compliance report assesses the measures taken by the Belgian authorities to implement the recommendations made in the Fifth Round Evaluation Report on Belgium which was adopted by GRECO at its 84th plenary meeting (6 December 2019) and made public on 23 January 2020, following authorisation by Belgium ([GRECOEval5Rep\(2019\)3](#)).
3. As required by GRECO’s Rules of Procedure¹, the Belgian authorities submitted a Situation Report containing information on measures taken to implement the recommendations in the Evaluation Report. This report was received on 1 July 2021 and served as a basis for the Compliance Report.
4. GRECO selected Switzerland (in respect of top executive functions in central governments) and the Principality of Monaco (in respect of law enforcement agencies) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Olivier GONIN, on behalf of Switzerland, and Mr Jean-Marc GUALANDI, on behalf of Monaco. They were assisted by the GRECO Secretariat in drawing up the Compliance Report.
5. The Compliance Report assesses the implementation of each individual recommendation contained in the Evaluation Report and gives an overall appraisal of the level of the member’s compliance with these recommendations. The implementation of any outstanding recommendations (partly or not implemented) will be assessed on the basis of a further Situation Report to be submitted by the authorities 18 months after this Compliance Report is adopted.

II. ANALYSIS

6. GRECO made 22 recommendations to Belgium in its Evaluation Report. Compliance with these recommendations is dealt with below.

Preventing corruption and promoting integrity in central governments (top executive functions)

Recommendation i

7. *GRECO recommended that (i) rules be laid down setting out the conditions governing the direct recruitment and employment of members of strategy units/private offices that take account of the risks relating to integrity and conflicts of interest, and that (ii) the names and duties of all “collaborateurs de fond” be published on the government’s internet sites.*
8. With regard to the first part of the recommendation, the Belgian authorities explain that the possibility of publishing job offers through the SELOR² recruitment office will be made

¹ The compliance procedure for the Fifth Evaluation Round is governed by GRECO’s Rules of Procedure as amended: see Rule 31 revised bis and Rule 32 revised bis.

² Civil service recruitment office: <https://www.selor.be>

known to the strategy units. To this end, private offices can use the Strategy and Support Federal Public Service (SPF BOSA)³ to publish job vacancies on the SELOR website. BOSA provides a procedural manual to the various private offices.

9. In this context, a standard formal document on integrity and conflicts of interest will be drawn up. In addition, the necessary measures will be taken to clarify the ethical framework for members of strategy units (see below).

10. With regard to the second part of the recommendation, the authorities state that the names and positions of all “*collaborateurs de fond*” (advisers on substantive issues) are published on the Belgium.be⁴ public portal. This list is updated very regularly.

11. GRECO takes note of the information provided by the authorities with regard to the first part of the recommendation. The desire to draw up a formal document on integrity and conflicts of interest and to clarify the ethical framework for members of strategy units is positive, but no concrete measures have been taken to this end to date. As for the provisions presented with regard to the recruitment of the relevant personnel, they do not appear to promote tighter regulation of their selection, their terms of employment, checks on their integrity or specification of their tasks. The first part of the recommendation has therefore not been implemented.

12. As regards the second part of the recommendation, GRECO welcomes the publication on a public website of the full list of members of strategy units, and the updating of this list. This is a good practice that could inspire other member states. This part of the recommendation is therefore implemented.

13. GRECO concludes that recommendation i has been partly implemented.

Recommendation ii

14. *GRECO recommended that a co-ordinated strategy be drawn up, based on a risk analysis, aimed at promoting the integrity of persons performing top executive functions.*

15. The Belgian authorities communicate that the Organisation Management and Integrity Service (SPF BOSA, DG B&B) has a transversal mission in the Belgian federal administration for the control of organisations (internal control system, risk management) and policies of integrity management. These tasks are closely linked to the risk analysis requested by GRECO in recommendation ii, on the basis of which a strategy will be developed to promote integrity in strategy units. As the area of competence of the Organisation Management and Integrity Service does not currently include political bodies (including political cells), an initiative will be taken by the Integrity Service in the second half of November 2021 with entities such as the Federal Ethics Commission of the House of Representatives, the Chancellery of the Prime Minister, the Ministry of Civil Service, the Federal Internal Audit Service in order to organise consultations to seek a compromise on the area of competence on the one hand and to agree on an approach to start implementing recommendation ii in the course of 2022 on the other. This approach will focus on determining the vulnerability and resilience of senior executive

³ <https://bosa.belgium.be/en>, Strategy and Support Federal Public Service.

⁴ https://www.belgium.be/fr/publications/pub_composition_organes_strategiques

functions to integrity violations. A first action would be to organise a survey, the results of which could be used for a strategic and operational implementation of the recommendations/objectives formulated by GRECO.

16. GRECO takes note of the information provided, which refers only to preliminary considerations for the implementation of the recommendation.

17. GRECO concludes that recommendation ii has not been implemented.

Recommendation iii

18. *GRECO recommended that (i) an ethical code be adopted for ministers and steps be taken to ensure that members of strategy units/private offices are subject to a clear and harmonised ethical framework, and that (ii) the code or codes is/are accompanied by supervisory arrangements and appropriate sanctions.*

19. With regard to the first part of the recommendation, the Belgian authorities state that in the short term, the Prime Minister will ask the government in a circular to take account of the Code of Conduct for public office holders, which currently only applies to heads of strategy units, and to apply these principles within private offices.

20. The Federal Ethics Commission,⁵ whose membership is currently being renewed, will be invited to give an opinion as to whether the Code of Conduct for public office holders is suitable for ministers or whether a separate code of conduct should be put in place, and what principles it should contain. It could take the form of a circular.

21. The ministers of institutional reforms and democratic renewal are also laying the groundwork for an initiative to extend the scope of the Ethics Commission Law, and hence the Code of Conduct for public office holders, to “*collaborateurs de fond*” of strategy units.

22. As regards the second part of the recommendation, the current framework of the Federal Ethics Commission – an institution accountable to the House of Representatives – does not allow for active oversight or sanctions in relation to compliance with the principles set out in the codes of ethics. The Federal Ethics Commission will be questioned as to whether such a mechanism would be appropriate at executive level, and on what basis.

23. GRECO takes note of the intentions stated by the Belgian authorities, but notes that no tangible measures have yet been taken to give effect to the recommendation.

24. GRECO concludes that recommendation iii has not been implemented.

Recommendation iv

25. *GRECO recommended (i) ensuring that all persons exercising top executive functions have access to mechanisms for promoting and raising awareness of integrity matters, including confidential advice, and (ii) that these persons receive training when they take up their duties and at regular intervals thereafter.*

⁵ <https://www.fed-deontologie.be/>

26. The Belgian authorities state that at the request of the Minister for the Public Service, a methodology for raising the awareness of strategy unit employees has been devised by the Integrity and Culture Unit of SPF BOSA. It draws on the approach taken by the Integrity and Culture Unit during the “Integrity Dialogues” awareness-raising workshops offered in the training catalogue of the Civil Service Training Institute (IFA).⁶ The draft was submitted to the minister in April 2021 and a test session to gauge the relevance of the proposed methodology for strategy units was held at the end of May 2021.

27. They add that from 2022 onwards, employees in the strategy units of ministers and secretaries of state will be structurally offered to voluntarily enrol in a workshop called “In dialogue on integrity”. The information exchanged in these workshops is confidential and participants always have the possibility to ask the facilitators to answer individual questions on integrity in the workplace. The facilitators can also give informal, non-binding advice. As these workshops are already offered to different target groups (employees with an inspection or control function, employees in the selection process, etc.), practice has shown that participants do make use of the possibility to ask for non-binding advice.

28. GRECO notes that the staff of the strategy units of ministers and secretaries of state will be offered in 2022 to participate in integrity awareness-raising workshops. This constitutes a start to the implementation of the second part of the recommendation for these persons, but not for ministers, who do not have access to similar training. Furthermore, GRECO recalls that the second part of the recommendation calls for repeating this training at regular intervals.

29. The possibility for participants to seek individual integrity advice during the workshops, while positive, does not constitute an institutionalised mechanism for confidential advice in the sense of the first part of the recommendation. Therefore, this part remains unimplemented.

30. GRECO concludes that recommendation iv has been partly implemented.

Recommendation v

31. *GRECO recommended ensuring that strategy units/private offices are made clearly subject to the legislation on administrative disclosure of information.*

32. The Belgian authorities draw GRECO’s attention to the fact that although it does not explicitly state what is meant by private offices and – in particular – strategy units, the Evaluation Report does clearly state that there is at least some doubt as to the extent to which these bodies are covered by the concept of central government transparency. Following consultation of the secretary of the commission and more in-depth internal analysis, it would appear that the law is indeed unclear in this respect.

33. To bring information pertaining to private offices and strategy units within the scope of the legislation concerned, a number of legal and technical adjustments will need to be made to the legislation on openness. For example, it will most likely be necessary to remodel the concept of “*administrative authority*”, which will go to the very heart of the legislation. There

⁶ <https://www.ofoifa.belgium.be/fr/fiche/dialogues-sur-lintegrite-pour-les-organisations>

are no simple changes that can be proposed, and an initial analysis of the scientific literature does not appear to yield any appropriate solutions. However, inspiration can be drawn from the legislation on disclosure of information of the Flemish Region and the Brussels-Capital Region, which has a broader scope. Given the major impact of the requested amendment and the lack of clarity of the current legislation, further consultation within the government is necessary. This draft is currently being prepared.

34. GRECO notes that the authorities agree on the finding in the Evaluation Report that the 1994 Access to Information Law does not clearly cover the activity of strategy units/private offices. It also notes that the implementation of this recommendation will require substantial legislative reform, which has not yet begun.

35. GRECO concludes that recommendation v has not been implemented.

Recommendation vi

36. *GRECO recommended ensuring that documents produced by the government, ministers and their strategy units/private offices are kept in an appropriate manner and that they are available to their successors to ensure that affairs are properly conducted.*

37. The Belgian authorities explain that the federal Government Agreement of 30 September 2020 makes provision for the drafting of a regulation on long-term retention of private offices' records. They point out that on a formal level, these records were treated as private records until now. It was confirmed during a meeting of the Council of Ministers on 30 April 2021 that implementing this recommendation is a priority.

38. Long-term record-keeping in federal private offices has been the subject of parliamentary proceedings and questions, and proceedings of the State Archives. A draft law amending the Archives Law of 1955 was put before the House of Representatives on 31 August 2020 (Doc 55 1489/001). It aims to protect the archives of the State and the federal government for future historical and scientific research. Documents drawn up in connection with the work of members of the federal government and their strategy units would be filed in the State Archives after 50 years. In addition, the latter have published online the generic retention schedule for private offices' records.⁷ This is the outcome of a scientific project funded by the Flemish authorities in collaboration with *Archiefbank Vlaanderen* (Flanders Archives).

39. GRECO is pleased that the federal Government Agreement makes provision for the drafting of regulations for long-term record-keeping for ministerial private offices and that the importance of this measure was reaffirmed by the government during a meeting of the Council of Ministers in April 2021. However, no concrete measures to this end have been taken. With regard to the draft law that was proposed on 31 August 2020, while it is important for reasons of historical preservation, GRECO underlines that it does not really serve the purpose of the recommendation, which is to give a more immediate guarantee that State information and the right to access public information will be properly managed.

⁷ In Dutch: http://www.arch.be/docs/surv-toe/TT-SL/Werkdocument_kabinetsarchieven_selectielijst.pdf

In French: http://www.arch.be/docs/surv-toe/TT-SL/Werkdocument_kabinetsarchieven_selectielijst_FR.pdf

40. GRECO concludes that recommendation vi has not been implemented.

Recommendation vii

41. *GRECO recommended (i) ensuring an appropriate level of public consultation on government draft legislation, and (ii) that the results of public consultations are published online in due time and are easily accessible.*

42. The Belgian authorities state that several members of the government have taken steps to conduct consultations proactively since the new government took office in October 2020. For example, on taking office, several ministers published a general policy memorandum which was open to criticism from third parties and the opposition, and after that, a “general policy memorandum 2.0” incorporating a number of comments was published.⁸ Formal documents and ad hoc proposals are also published proactively and then amended on the basis of comments.

43. However, the coronavirus health crisis and the raft of urgent measures it has spawned have thus far thwarted efforts to initiate consultations for all government draft legislation, because they are also impinging on the time available for government business. A proposal to amend the regulations has been put to the House of Representatives so that the government can publish a regulatory agenda⁹ which would, in any case, greatly improve transparency for the public.

44. GRECO notes that the information provided does not change the situation as described in the Evaluation Report. Public consultations on draft legislation do take place, but they are always held at the discretion of the authorities concerned. It points out that the goal of the recommendation is the implementation and application of criteria intended to ensure, in the interests of foreseeability, that consultations take place and that the process and its outcomes are transparent.

45. GRECO concludes that recommendation vii has not been implemented.

Recommendation viii

46. *GRECO recommended that (i) rules and guidelines be introduced on how persons exercising top executive functions should manage their contacts with lobbyists and other third parties seeking to influence government processes and decisions, and that (ii) steps be taken to make the purpose of such contacts more transparent by identifying the persons with whom (or on behalf of whom) the contact has taken place and the specific subject matter of the discussions.*

47. The Belgian authorities state that on 13 January 2021, the Conference of Leaders of Political Groups in the House of Representatives tasked the “Political parties” working group with implementing the GRECO recommendation concerning lobbying of parliamentarians,

⁸ <https://desutter.belgium.be/fr/les-ministres-f%C3%A9d%C3%A9rales-de-sutter-et-van-der-straeten-pr%C3%A9sentent-leurs-nouvelles-notes-de-politique> - <https://www.teamjustitie.be/fr/2021/02/04/plus-de-300-propositions-resultat-declaration-de-politique-2-0/>

⁹ <https://www.dekamer.be/kvvcr/showpage.cfm?section=flwb&language=fr&cfm=/site/wwwcfm/flwb/flwbn.cfm?dossierID=1841&legislat=55&inst=K>

which was assessed as partly implemented in the fourth round, as well as, if possible, of the corresponding fifth round recommendation regarding ministers and heads of private offices. At the instigation of this working group and in accordance with the De Croo Government Agreement¹⁰ of 30 September 2020, the political groups assessed the register of lobbyists. Following this assessment, the working group ordered on 5 October 2021 a comparative law analysis before issuing specific proposals to improve the implementation of this recommendation. The government is awaiting the final result of this assessment and may work together with the House in order to take the initiative in implementing the fifth-round recommendation.

48. GRECO takes note of the information provided by the authorities, which does not enable it at this stage to conclude that the recommendation given in this round has been implemented, even partly. It points out that the purpose of the recommendation is not only to ensure that contacts between lobbyists and persons exercising top executive functions (PTEFs) are transparent. It is also to lay down rules applying to PTEFs themselves – not only ministers and heads of private offices but also the members of these offices - in a document such as a code of conduct.

49. GRECO concludes that recommendation viii has not been implemented.

Recommendation ix

50. *GRECO recommended that an ad hoc reporting requirement be introduced for persons occupying top executive functions whenever situations of conflict between their private interests and their official duties arise.*

51. The Belgian authorities report that the Code of Conduct for public office holders¹¹ sets out the principles that apply if a person identifies a conflict of interest. As for ministers, they have been asked to avoid conflicts of interest of all kinds and to inform the Prime Minister of any problem of this kind. In addition, the Federal Ethics Commission Law provides for the possibility of submitting individual requests for opinions to the Commission in confidence.

52. GRECO notes that the information provided by the authorities does not indicate that there have been any changes in the situation described in the Evaluation Report. It points out that the Code of Conduct for public office holders only applies to heads and deputy heads of private offices, not to members of private offices or ministers. This is why a requirement for ad hoc reporting of conflicts of interest in relation to these two categories of persons must be incorporated into an ethical framework whose adoption is advocated by recommendation iii.

53. GRECO concludes that recommendation ix has not been implemented.

¹⁰ Excerpt from the Government Agreement: “We will assess the register of lobbyists in the House and extend its scope to the government and private offices.”

¹¹ Law amending the Law of 6 January 2014 establishing a Federal Ethics Commission with a view to incorporating into it the Code of Conduct for public office holders (Belgian Official Gazette 26/07/2018).

Recommendation x

54. *GRECO recommended that a full set of rules be drawn up on gifts and other benefits for persons occupying top executive functions, in the form of practical and relevant directives requiring them to declare gifts and other benefits, and that this information be made available to the public.*

55. The Belgian authorities explain that on 13 January 2021, the Conference of Leaders of Political Groups in the House of Representatives tasked the “Political parties” working group with implementing this recommendation as it relates to parliamentarians, which was assessed as not implemented in the fourth round, as well as the fifth-round corresponding recommendation which applies to ministers and heads of private offices.

56. At the request of the House of Representatives on 3 June 2021, the Federal Ethics Commission issued on 8 September 2021 [a general opinion 2021/3 on the prevention of corruption by members of parliament \(gifts\)](#). The Commission considers that there is a need to define and clarify what is meant by the symbolic and occasional value of ‘gifts’ that are allowed under the Code of Conduct for members of the House. It suggests an approximate value of less than 125/150 euros. It recommended drafting a vade mecum with questions and answers (FAQ) and concrete cases. It questioned the appropriateness of a gift register given the difficulties of control and the heavy administrative burden. On 13 October 2021, the working group on political parties asked the Federal Ethics Commission about the interpretation of certain aspects of its opinion before deciding on the follow-up to the opinion. The working group also asked the services for a comparative law analysis. The government may work together with the House in order to implement this recommendation.

57. GRECO takes note of the information provided, which does not indicate that the recommendation has begun to be implemented as regards PTEFs.

58. GRECO concludes that recommendation x has not been implemented.

Recommendation xi

59. *GRECO recommended that (i) for a certain period, persons occupying top executive functions be required to inform an appropriate body of any new professional activities entered into, and that (ii) following assessment, such activities be regulated or prohibited, as appropriate, to avoid any suspicion of a conflict of interest when they concern a field of activity subject to authorisation or scrutiny by the body that the individual is leaving.*

60. The Belgian authorities state that the Code of Conduct for public office holders stipulates that after relinquishing their duties, public office holders must honour obligations arising out of their office, in particular the duties of honesty and caution concerning acceptance of certain posts or benefits. Declarations of mandates, which are submitted every year, also make it possible to identify whether a person is taking up a problematic post. Currently, there is no system that can put limits on the exercise of these posts, although legislative proposals have been put forward to this end and are pending before the House of Representatives¹².

¹² In particular, a [draft law](#) amending the law of 6 August 1931 establishing incompatibilities and prohibitions concerning ministers and ministers of state, as well as members and former members of the legislative chambers,

61. GRECO notes that the situation described is the same as the one described in the Evaluation Report. It points out that many examples of revolving doors practices were mentioned during the on-site visit, illustrating the importance of regulating these practices.

62. GRECO concludes that recommendation xi has not been implemented.

Recommendations xii and xiii

63. *GRECO recommended:*

- *(i) that the published declarations of persons occupying top executive functions also include relevant information on their assets, including liabilities, their previous activities and their outside activities, and (ii) considering also including information on these persons' spouses and dependent members of their families (on the understanding that such information would not necessarily have to be published) (recommendation xii);*
- *that declaration and oversight arrangements be substantially revised to ensure more rapid publication of these declarations, coupled with proactive and effective oversight (recommendation xiii).*

64. The Belgian authorities state that on 13 January 2021, the Conference of Leaders of Political Groups in the House of Representatives tasked the Constitutional Affairs Committee with implementing these GRECO recommendations concerning the list of offices and declarations of assets. This committee held a hearing at the Court of Auditors on 17 March 2021. The departments of the House have produced a comparative law study into which the comments of the Court of Auditors were incorporated. They have also prepared a draft text to bring the legislation in line with certain GRECO recommendations. An inter-parliamentary working group (the regulation also covers parliamentarians of the federated entities) set up in June 2021 will further develop this draft text, which will be proposed to the Constitutional Committee. The committee will continue as soon as possible to discuss the recommendations, which apply to members of parliament as well as ministers and members of private offices.

65. GRECO notes that the information provided only indicates that preliminary work has been done and that no tangible measures have yet been taken to put these recommendations into effect. It points out that similar recommendations concerning members of parliament are set out in its Fourth Round Evaluation Report adopted in 2014, which have only been partly implemented to date (recommendations iii and iv). It invites the Belgian authorities to tackle this issue with greater determination.

66. GRECO concludes that recommendations xii and xiii have not been implemented.

in order to introduce a buffer period of 18 months after the cessation of their political functions for former ministers, heads of cabinet or deputy heads of cabinet; a [draft law](#) introducing a waiting period and establishing other incompatibilities for ministerial staff, with a view to preventing the phenomenon of 'revolving doors'; and a [draft law](#) amending the law of 6 August 1931 establishing incompatibilities and prohibitions concerning ministers and ministers of state, as well as members and former members of legislative chambers.

Recommendation xiv

67. *GRECO recommended that the legislation on reporting suspected breaches of integrity in federal administrative authorities be extended to cover strategy units/private offices.*

68. The Belgian authorities explain that the European Parliament and Council Directive (EU) 2019/1937 of 23 October 2019 on the protection of persons who report violations of Union law is in the process of being transposed into Belgian domestic law for the federal public sector. The employees of the strategic units will fall within the scope of the bill, which will have to be voted on in the Belgian Parliament by the end of 2021 at the latest, and GRECO's recommendation will be taken into account in this framework.

69. GRECO is satisfied that the draft law transposing EU Directive 2019/1937 provides that the recommendation will be taken into account. However, work on this draft law is still at a preliminary stage.

70. GRECO concludes that recommendation xiv has not been implemented.

Preventing corruption and promoting integrity in the federal police

Recommendation xv

71. *GRECO recommended that the actual staffing level of the Commissioner General/Integrity department be increased.*

72. The Belgian authorities state that since the Evaluation Report, the staffing level of the CG/Integrity department has been increased from one person to three members. The department is currently made up of one advisor acting as departmental head and two members: one chief inspector and one advisor.

73. GRECO notes with satisfaction that the CG/Integrity department has tripled its staffing level since the Evaluation Report, bringing it into line with the recommendation. However, it points out that according to the Evaluation Report, an increase to at least the theoretically planned level of four persons for this department seemed desirable, in view of its central role in the integrity policy of the federal police (see paragraph 152 of the Evaluation Report for details of its tasks). It therefore encourages the Belgian authorities to persist in their efforts to make the staffing level of the CG/Integrity department more optimal.

74. GRECO concludes that recommendation xv has been implemented satisfactorily.

Recommendation xvi

75. *GRECO recommended that the Code of Conduct be brought up to date and that steps be taken to ensure that there are regular updates in the future.*

76. The Belgian authorities explain that point 2 in the Appendix to the Royal Decree of 10 May 2006 establishing the Code of Conduct for police departments provides that the Code is updated by the Ethics Commission, which is presided over by the Director General of the Secretariat of the Technical Administration of the Minister of the Interior. The Ethics

Commission can rewrite the Code of Conduct in the light of new legislation, new developments or clearer guidelines. A meeting of the Ethics Commission is thus an important initial stage in the regular updating of the Code.

77. Since the Evaluation Report was received, the Ethics Commission has met – after a period when meetings were suspended – on three occasions. New members from the federal and local police have been appointed, including four trade union representatives. There is also the head and an integrity management advisor from the Integrity department of the Commissioner General’s Office within the federal police and a management advisor from the Standing Commission of the local police, who both serve as internal experts.

78. During the meetings of the Ethics Commission (12/12/2019, 11/02/2020 and 26/01/2021), a list of issues to be dealt with was drawn up: alcohol in the workplace, multiple activities (outside activities), illegal viewing of databases by members of the police, unwillingness to deal with complaints from the public, respect and diversity, use of social media, uniformity of the GPI (Integrated Police) standards, etc. These issues will be dealt with by the Commission in the light of the policies and priorities of the ministers responsible for the police, and the Integrated Police Code of Conduct will be updated if necessary.

79. The internal regulations of the Ethics Commission were updated by the members and experts who were present. These regulations were approved on 26 January 2021. In addition, as stated in recommendation xviii, the paragraph concerning outside activities has already been updated in the Code of Conduct of police departments.

80. GRECO is pleased to note that the Ethics Commission is currently meeting on a regular basis and that its duties include updating the Code of Conduct if necessary. It also notes that the Code has already been updated in relation to outside activities. The concerns that gave rise to the recommendation have therefore been adequately addressed. However, GRECO points out that the Evaluation Report had identified the rules on the acceptance of symbolic gifts and those regarding abstention in the event of personal involvement in a case as other matters that could potentially be clarified in future updates to the Code.

81. GRECO concludes that recommendation xvi has been implemented satisfactorily.

Recommendation xvii

82. *GRECO recommended that an examination be carried out of ways of increasing the stability of the Federal Police senior management, with a view to taking relevant measures to that effect.*

83. The Belgian authorities state that the deadlock that arose when Belgium was without a government, i.e. when senior managers of the federal police – appointed on an interim basis – were unable to do their jobs fully, was broken when a government was formed.

84. A manager who is appointed in accordance with the regulations to a senior position (*ad interim* post) takes on all of the powers that go along with that position, according to the principle of continuity of public services. However, this situation must be strictly time-limited for both the manager and the organisation.

85. Specifically, in October 2020, four criminal police directors and three co-ordination directors were sworn in. In January 2021, the Director General of the Criminal Police was appointed. The selection process for a Director General for Resources and Information is currently under way.

86. GRECO is pleased to note that some of the senior management posts within the national police that were being held on an interim basis at the time of the on-site visit have been filled on a permanent basis. Nevertheless, no examination has been initiated, as requested by the recommendation, and the causes of the deadlock have not gone away, i.e. a caretaker government is not appointing senior managers, causing a certain amount of instability which makes it difficult to sustain a policy over the long term. GRECO also points out that some of the examples mentioned in the Evaluation Report (see paragraph 177) show that some of these interim appointments seemed to have lasted for several years, even beyond caretaker government situations. The recommendation is therefore still relevant.

87. GRECO concludes that recommendation xvii has not been implemented.

Recommendation xviii

88. *GRECO recommended that checks on candidates' integrity be carried out in the context of changes of post and promotion – including promotion to senior grades – and at regular intervals during the course of officers' careers.*

89. The Belgian authorities explain that in the framework of the implementation of the general policy statement of the Minister of the Interior, a working group, led by the CG/FIW/Screening department, was set up to develop the concept of “career screening”. The goal of this project is to design and implement a career-long screening process for operational and administrative members of the integrated police.

90. It consists of three stages: adoption of the vision, legal amendment of the regulations applicable to police departments implementing career-long screening, and development of an ICT solution for this screening. The first two stages are due to be completed no later than the end of 2021 and the final stage will commence in 2022.

91. In addition, a bill amending the Law of 26 April 2002 on the essential elements of the status of police personnel and various other provisions relating to the police services was submitted on 3 September 2020. It aims to institutionalise an integrity check within the integrated police at the time of promotion.

92. GRECO is pleased at the decision taken by the Belgian authorities to launch a project to introduce a career-long screening process for operational and administrative members of the police. This plan, as well as the bill referred to by the authorities, appear to be fully in line with the aim of the recommendation. However, since no concrete measures have yet been taken in the context of these initiatives, GRECO cannot conclude that the recommendation has been implemented, even partly.

93. GRECO concludes that recommendation xviii has not been implemented.

Recommendation xix

94. *GRECO recommended that the right to exercise outside activities be strictly governed by objective and transparent criteria and that this be accompanied by effective oversight arrangements.*

95. The Belgian authorities state that on 13 September 2020, the Code of Conduct for police departments was updated, including with regard to professional incompatibilities (Chapter 4, point D.69).

96. Under the new integrity management policy, from autumn 2021 onwards, a working group will assess the arrangements and the processes currently in place for oversight of outside activities with the aim of analysing ethical risks in order to provide the appropriate departments with processes and objective criteria for the assessment of requests to undertake outside activities.

97. GRECO notes that the amendment of the Code of Conduct to which the authorities refer consisted of bringing the text of the Code into line with the new rules concerning the authorisation of outside activities under Articles 134 and 135 of the Law of 7 December 1998 organising an integrated police service, as modified by the Law of 19 July 2018. This alignment is welcome, because the Evaluation Report highlighted the contradiction between the previous text of the Code and the 1998 Law. However, it does not address the recommendation as such. The announcement that a working group will soon be set up to analyse the rules currently applicable to outside activities with a view to better regulation is positive, but no concrete measures have yet been taken to this end.

98. GRECO concludes that recommendation xix has not been implemented.

Recommendation xx

99. *GRECO recommended assessment of the need to introduce an obligation to declare assets/interests in respect of management positions and/or certain at-risk positions in the police, with a view to introducing such rules.*

100. The Belgian authorities state that police departments will have to comply with the decisions taken by the Minister for the Public Service as part of the process of implementing recommendation xi.

101. GRECO underlines that unlike recommendation xi, which concerns persons occupying top executive functions, this recommendation does not concern restrictions after positions are relinquished; rather, it concerns declaration of assets and interests (as referred to in recommendations xii and xiii concerning top executive functions). It aims to initiate informed analysis as to whether it would be appropriate to introduce financial declarations for the posts that pose the greatest risk of conflicts of interest and corruption within the federal police.

102. GRECO concludes that recommendation xx has not been implemented.

Recommendation xxi

103. *GRECO recommended ensuring that the internal control department is given the resources to combat corruption actively and to offer meaningful statistical oversight of disciplinary cases in the federal police.*

104. The Belgian authorities explain that the internal control and quality department (DGR/TIWK) is responsible for statistical oversight of disciplinary cases and for updating the databases for the external control bodies (General Inspectorate (AIG) and Standing Committee for Monitoring (P Committee)). In 2021, the federal police appointed three new managers, namely a head of department and two section heads for the TIWK department. The number of employees in the TIWK department now amounts to 15 case managers and two members of the secretariat. In the near future, TIWK intends to recruit new case managers who will focus on the following tasks: operation (tasks, competences, responsibilities), processes (effectiveness and efficiency), risk management, information and communication and monitoring of activities.

105. To strengthen proactive integrity management measures, the new federal police integrity policy for the 2021-2023 period, which was approved by the steering committee of the federal police on 20 September 2021, makes provision for the sharing of anonymised statistical data on risks in relation to police ethics between primary and secondary integrity bodies, including the TIWK department among others. This integrity policy is incorporated into a broader policy on organisational control, pursuant to the CP3 ministerial circular¹³. The rationale behind this circular is that all members of the police, rather than the TIWK department in particular, should be responsible for internal control.

106. GRECO notes that the information provided does not enable it to conclude that the internal control system, in which certain gaps were highlighted in the Evaluation Report (see paragraph 215), has been substantially strengthened, or that relevant statistics are currently being collected by the TIWK department.

107. GRECO concludes that recommendation xxi has not been implemented.

Recommendation xxii

108. *GRECO recommended that members of the police be obliged to reveal that status when they are the subject of a criminal investigation or conviction, or that they inform the competent internal service of the integrated police of an ongoing criminal investigation or conviction.*

109. The Belgian authorities state that no legal provisions currently lay down the disclosure obligations mentioned in the recommendation. To oblige members of the police to reveal this status, it will be necessary to enact an explicit legal provision.

110. However, certain tools enable investigative or prosecution authorities to find out that an accused person is a member of the police staff. Investigators can use the DOLSIS application, for instance, which enables them to view the Directory of Employers.

¹³ CP3 ministerial circular on the system of internal control in the integrated police, structured into two levels, of 29 March 2011.

111. The identification of police staff membership is also one of the issues addressed by the working group responsible for updating the circulars on the communication of information between the judiciary and the disciplinary authorities. A pragmatic and efficient solution is being sought to automate the information provided to the judicial authorities in this area.

112. As for informing police disciplinary authorities (through the internal control department where appropriate) of proceedings and/or convictions against members of staff of police departments, the current statutory and regulatory provisions stipulate that this disclosure is instigated by the judicial system. A similar provision allows disclosure to the inquiries section of the P Committee. In addition, Circular COL 4/2003 on discipline within police departments is in the process of being updated in order to make such disclosure more effective. This work is being carried out collaboratively by the College of Prosecutors General, the AIG and the departments of the integrated police.

113. GRECO points out that this recommendation targets cases where the prosecutor or judge is not aware that the person appearing before them is a member of the police, as happens in practice according to the Evaluation Report. This means that they cannot inform the integrated police, according to the applicable rules, so that the latter can take the necessary disciplinary or career management action in relation to the police officer concerned. It encourages the Belgian authorities to take this issue into account in the process of updating Circular COL 4/2003, and also in all other relevant instruments.

114. GRECO concludes that recommendation xxii has not been implemented.

III. CONCLUSIONS

115. **In the light of the foregoing, GRECO concludes that Belgium has implemented satisfactorily or dealt with in a satisfactory manner two of the 22 recommendations contained in the Fifth Round Evaluation Report.** Of the outstanding recommendations, two have been partly implemented and 18 have not been implemented.

116. More specifically, recommendations xv and xvi have been implemented satisfactorily, recommendations i and iv have been partly implemented, and recommendations ii, iii, v, vi, vii, viii, ix, x, xi, xii, xiii, xiv, xvii, xviii, xix, xx, xxi and xxii have not been implemented.

117. In relation to persons exercising top executive functions, few concrete measures have been taken. All of the names and positions of members of ministerial private offices are disclosed on a public internet portal and from 2022 onwards, staff in the policy units of ministers and secretaries of state will be offered to participate in integrity workshops. The implementation of all of the other recommendations has only reached the stage of statements of intent or preliminary consultations.

118. Slightly more substantial progress has been made with regard to the police. Certain parts of the Code of Conduct have been updated and arrangements are in place for it to be updated more regularly if necessary. The staffing levels of the Commissioner General/Integrity department have been increased considerably. Several senior managers have been appointed

on a permanent basis since a fully functioning government took office, but the problem of a caretaker government not making such appointments remains. Other initiatives have been embarked upon but have not yet led to any tangible outcomes, such as the introduction of career-long integrity screening for operational and administrative members of the police and the adoption of objective criteria governing police members' outside activities. And finally, some recommendations have yet to be addressed, including with regard to greater effectiveness of internal control.

119. In the light of the foregoing, GRECO notes that significant efforts will need to be made to achieve an adequate level of implementation of the recommendations over the next 18 months. In accordance with Rule 31 revised bis, paragraph 8.2, of its Rules of Procedure, it calls on the head of the Belgian delegation to submit additional information with regard to the implementation of recommendations i to xiv and xvii to xxii by 30 June 2023.

120. Lastly, GRECO invites the Belgian authorities to authorise the publication of this report at their earliest convenience, translate it into the other national languages and make these translations publicly available.